

SFGate.com**Governor vetoes bills opposed by law enforcement**

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Gov. Arnold Schwarzenegger has vetoed legislation for the second straight year that would have required tape-recording police interrogations, a measure recommended by a commission formed to examine the causes of wrongful convictions.

The governor also rejected bills that would have allowed testimony by a jailhouse informant only if another witness corroborated it, and would have established a task force to write guidelines for police at lineups and photo identifications.

All three bills were recommended by the California Commission on the Fair Administration of Justice, which the state Senate created in 2004 to look into cases in which innocent people have been imprisoned and propose safeguards. The 23 commission members include prosecutors, defense lawyers, police representatives and scholars.

Organizations representing police chiefs and sheriffs opposed all three bills. A district attorneys association opposed the measure on jailhouse informant testimony and was neutral on the other two.

The vetoes, which Schwarzenegger issued over the weekend, demonstrate "once again the power of California's law enforcement agencies to block needed justice reform," former Attorney General John Van de Kamp, chairman of the commission, said Monday.

All three measures, he said, were "modest bills which were based on the best science and the best practices available." He said they had been drafted to satisfy concerns Schwarzenegger expressed when he vetoed earlier versions of the interrogation and lineup bills last year.

The governor said in his latest veto messages that the bills were not needed and would unduly restrict police investigations. Representatives of police groups and prosecutors were unavailable for comment.

The interrogation measure, SB511 by Sen. Elaine Alquist, D-Santa Clara, would have required officers to record interrogations of suspects in police stations or jails in cases involving violent felonies.

A study by Van de Kamp's commission found that suspects often confess to crimes they don't commit and that tape-recording would help jurors evaluate a defendant's claim of a false or coerced confession. The commission said many law enforcement agencies already tape a majority of their interrogations and that courts in six other states have required the recordings.

Schwarzenegger said the bill would "deny law enforcement the flexibility necessary to interrogate suspects." He did not say how recording would have that effect, and the commission's executive assistant, Chris Boscia, said he was puzzled by the governor's statement.

Another vetoed measure, SB609 by Sen. Gloria Romero, D-Los Angeles, would have barred testimony by a jailhouse informant unless another witness supported it.

Romero and other supporters said wrongful convictions in numerous cases, including some death penalty cases outside California, have been traced to false testimony by jailhouse witnesses seeking lenient treatment. But Schwarzenegger said the measure was not needed because prosecutors rarely use informants as witnesses.

"When that kind of testimony is necessary, current criminal procedures provide adequate safeguards against misuse," he said in his veto message.

The third bill, SB756 by Sen. Mark Ridley-Thomas, D-Los Angeles, addressed what the commission described as a recurring problem of mistaken identifications by eyewitnesses at lineups and photo displays of suspects. The panel said such mistakes are often prompted by subtle hints from officers.

The measure would have required the attorney general to set up a task force to consider voluntary guidelines for police, including the commission's proposal that lineups be supervised by officers who are unaware of a suspect's identity.

Schwarzenegger said police departments must be free to develop their own policies, based on "unique local conditions," and that statewide guidelines would only get in the way.

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